

FIRST MINOR SUBDIVISION PROCESS

To transfer ownership of a parcel containing less than 160 acres, State law requires that the property be subdivided. If the land has never been divided before and it involves five (5) or fewer lots (including the original tract), the process is called a "first minor subdivision."

Subdivider's Responsibilities:

- ◆ Hire a qualified person or firm to complete the survey of the property and the plat (the legal map of the property).
- ◆ Submit a complete application to the Planning Department.
- ◆ Pay all applicable charges including: application fee, impact fees, fire fill site and road improvement reimbursements, school district mitigation, required improvement and recording costs.
- ◆ Address necessary fire protection provisions and methods of providing adequate fire protection.
- ◆ Discuss subdivision access with the County Road Office to determine needed road improvements and location of access easements.
- ◆ Address development's impact on school district(s) and proposed mitigation.
- ◆ Ensure provision of appropriate utilities.
- ◆ Obtain approval from the Montana Department of Environmental Quality (MDEQ) and/or Gallatin City-County Environmental Health for provision of water and disposal of sewage.

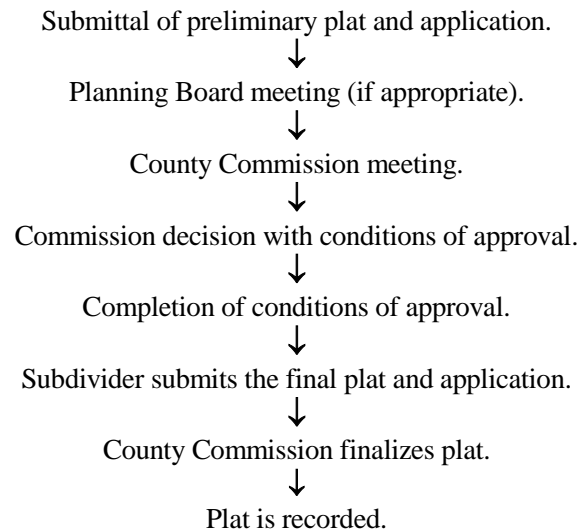
Gallatin County's Responsibilities:

According to Montana State Statute:

- ◆ The Commission must make a decision on a first minor subdivision within 35 working days following submittal of a complete application, unless the subdivider provides a written extension. If a variance is requested, a public hearing is required and the Commission will make a decision in 60 working days. Σ

- ◆ If the parcel is located outside of most zoning districts, the Commission must ask the Planning Board for advice and recommendation on the proposed subdivision, which it must submit to the Commission within 10 days.
- ◆ The Planning Department must submit a preliminary plat to the appropriate rural school district(s), to enable evaluation of the development's impact on provision of services.
- ◆ The County Commission must issue a written finding of fact weighing the following criteria:
 - a) *The effect on agriculture, agricultural water user facilities, local services, the natural environment, wildlife and wildlife habitat, and public health and safety.*
 - b) *Compliance with the survey requirements of the Montana Subdivision and Platting Act.*
 - c) *Compliance with Gallatin County Subdivision Regulations and required review process.*
 - d) *The provision of easements for the location and installation of any necessary utilities.*
 - e) *The provision of legal and physical access to each parcel within the subdivision and the required notation of that access on the plat and any instrument transferring the parcel.*

BASIC STEPS



General Process

1. Subdivider hires a qualified person or firm to prepare preliminary plat.
2. Subdivider meets submittal deadline for Planning Board meeting 18 days prior to the next available Planning Board meeting.
3. Subdivider submits a complete application minimally consisting of:
 - 3 Application form.
 - 3 Fee.
 - 3 Plat(s).
 - 3 Certified list of adjoining property owners from latest tax records.
 - 3 A letter from the Fire District.
 - 3 Written justification for variances.
4. Planning Department has three working days to determine if the application is complete.
5. Subdivider will be notified of any deficiencies.
6. Planning Department distributes plat to other agencies.
7. Adjoining property owners are notified.
8. Planning Department notifies subdivider of Planning Board meeting date; and attaches a copy of the First Minor Subdivision Checklist.
9. Subdivider attends the Planning Board meeting.
10. Planning Board provides written advice and recommendation to the County Commission.
11. Planning Department prepares report for Commission with recommended conditions for approval.
12. Planning Department notifies subdivider of County Commission meeting date with copy of the staff report.
13. Subdivider or subdivider's representative attends Commission meeting prepared to:
 - 3 Answer any questions.
 - 3 Express preference for mitigating impacts.
14. County Commission approves, conditionally approves, or denies the subdivision.
15. Planning Department prepares findings of fact.
16. County Commission approves findings of fact.

17. Planning Department sends copy of approved findings of fact to subdivider.
18. Subdivider has up to three years to complete all conditions of approval.
19. Subdivider obtains encroachment permits from the County Road Office.
20. County Road Office explains procedure for road improvements to subdivider.
21. Subdivider installs road improvements.
22. Subdivider has road improvements approved by the County Road Office.
23. Subdivider obtains MDEQ and/or Gallatin City-County Environmental Health approval.
24. Subdivider hires qualified person or firm to complete final plat.
25. Subdivider obtains and submits certificate of a licensed title abstractor to county attorney's office no earlier than 90 days prior to submittal.
26. Subdivider submits the following items to the county attorney's office:
 - 3 Platting certificate.
 - 3 Covenants.
 - 3 Establishment of property owners' association.
27. Subdivider pays all real property taxes and special assessments assessed and levied on the land to be subdivided.
28. Subdivider obtains all plat signatures except County Commission and Clerk and Recorder.
29. Subdivider submits complete final plat to Planning Department, minimally consisting:
 - 3 Application form.
 - 3 Two mylars, digital copy, and paper copies.
 - 3 Platting certificate.
 - 3 Approval of sanitary facilities.
 - 3 A letter addressing how all conditions of approval have been met.
 - 3 Processing fee.
30. Subdivider pays Road and Fire Impact fees.
31. Subdivider pays to the Planning Department: Fire District reimbursement or submits copy of receipt, road reimbursement with two checks, 75% to the Planning Department, and 25% to the County Road Office, if appropriate.

32. Planning Department notifies subdivider of date for the Commission's consideration of final plat.
33. Planning Department submits two mylars to County Commission.
34. County Commission returns two signed mylars to Planning Department.
35. Planning Department notifies subdivider that plat is ready to be recorded.
36. Subdivider pays Clerk and Recorder to record plat and all required documents.

You should be aware that in many instances, your professional will take your proposed subdivision through this process.

Check Current Fee Schedule

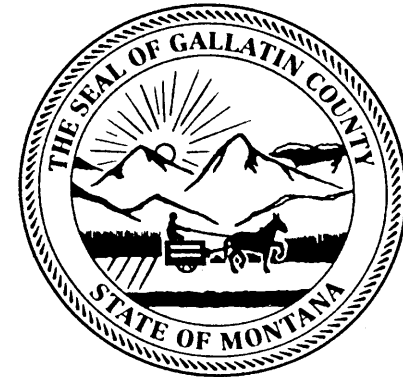
(Available on our website)

If you have any additional questions, please contact the Planning Department, and/or make an appointment to meet with a planner. You can receive walk-in assistance Monday through Friday from 8:00 am to 5:00 pm at the Gallatin County Planning Department.

Updated March 2006

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GALLATIN COUNTY PLANNING DEPARTMENT

Gallatin County
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